WPMS No. 650 of 2006

Hon'ble Rajesh Tandon, J

Heard Sri Ajay Veer Pundir, Advocate for the petitioner and Sri U.K. Uniyal, Sr. Advocate, Assisted by Sri Shobhit Saharia, Advocate for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents not to dispossess the petitioner from their respective lands.

A perusal of the writ petition shows that a suit has been filed being Civil Suit No. 272 of 1999 Mahendra Singh and others Vs. Assistant Engineer, where the petitioners have been refused the injunction and has prayed under Order 39 Rule 1 C.P.C.

Since the petitioners have not challenged the orders passed on the injunction application under Order 39 Rule 1 C.P.C. and has not sought quashing of the the said order. The bare relief not to dispossess the petitioners from their respective land is not possible.

In view of the aforesaid facts, counsel for the petitioners has prayed for withdrawal of the writ petition with liberty to file a fresh writ petition. Permission is granted. Petitioners may file a fresh writ petition according to their grievances.

Writ petition is dismissed.

(Rajesh Tandon, J.)

06.06.2006

Rathour